



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Stephen J. Kramer

Serial No.: 10/728,526

Filed: December 5, 2003

For: METHOD AND APPARATUS FOR
CONDITIONING A CHEMICAL-
MECHANICAL POLISHING PAD

Confirmation No.: 8284

Examiner: S. McDonald

Group Art Unit: 3723

Attorney Docket No.: 2269-4371.1US
(00-0118.01/US)

Notice of Allowance Mailed:

December 28, 2006

NOTICE OF EXPRESS MAILING

Express Mail Mailing Label Number: EV 962537791 US

Date of Deposit with USPS: March 28, 2007

Person making Deposit: Cat M. Bratton

TRANSMITTAL LETTER

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

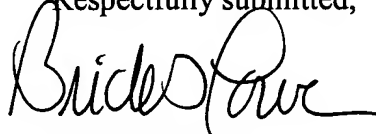
Sir:

Applicant submits herewith Part B - Fee(s) Transmittal for the above-captioned application and a check in the amount of \$1700.00 in payment therefor of the patent when issued.

Also, enclosed is an Amendment Pursuant to 37 C.F.R. § 1.312(a) (17 pages), plus attached Replacement Sheet of Drawings (1 sheet) and Annotated Sheet Showing Changes Made (1 sheet); Comments on Statement of Reasons for Allowance (3 pages); and Fee Addressee for Receipt of PTO Notices Relating to Maintenance Fees (2 pages).

Applicant understands that no additional fees are required. However, if the Office determines that any comparison fees or other additional fees are required, the Commissioner is authorized to charge any such fees to TraskBritt Deposit Account No. 20-1469. A copy of this Transmittal Letter is enclosed for deposit account charging purposes.

Respectfully submitted,



Brick G. Power
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Attorney for Applicant
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Telephone: 801-532-1922

Date: March 28, 2007
BGP/sfc:eg

Enclosures: Part B - Issue Fee Transmittal
Check No. 23592 in the amount of \$1700.00
Copy of Transmittal Letter
Amendment Pursuant to 37 C.F.R. § 1.312(a) (17 pages)
Replacement Sheet of Drawings (1 sheet)
Annotated Sheet Showing Changes Made (1 sheet)
Comments on Statement of Reasons for Allowance (3 pages)
Fee Addressee for Receipt of PTO Notices Relating to Maintenance Fees (2 pages)

Document in ProLaw



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COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This communication is being filed in response to the statement of reasons for allowance provided with the Notice of Allowance mailed December 28, 2006, and sets forth Applicant's comments, pursuant to 37 C.F.R. §1.104(e), on the Examiner's Statement of Allowable Subject Matter accompanying the Notice of Allowance.

In the Notice of Allowance, the Examiner indicates:

“the limitation of completely embedding at least some of the abrasive particles within a supporting substrate and forming a conditioning surface on the supporting substrate that included a

portion of the quantity of abrasive material, was not found in prior art.”

It is respectfully noted that not all of the claims recite “embedding at least some of the abrasive particles within a supporting substrate;” independent claim 1 is the only independent claim in which this limitation appears. Therefore, the stated reasons for allowance do not apply to all of the claims that have been allowed in the above-referenced application.

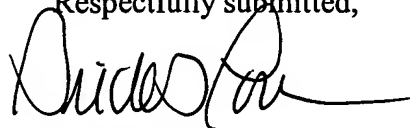
It is further noted that while the independent claims recite “forming a conditioning surface,” they do not recite that the conditioning surface is formed on a supporting substrate “that included a portion of [a] quantity of abrasive material;” rather, they recite that the conditioning surface is formed on a supporting substrate “that includes at least a portion of the quantity of abrasive material.”

Inasmuch as the stated reasons for allowance are applicable to the claims, they comprise a summary, which is exemplary and not limiting. The scope of the claims is based on the actual language of the claims and equivalents thereof, and not on a paraphrase or summary of the claim language.

The independent claims, as allowed, also recite features and methodology in addition to, and in different language than, those described in the Statement of Allowable Subject Matter. Furthermore, the dependent claims recite elements in addition to those of the independent claims, which are also not reflected in the Statement of Allowable Subject Matter. Such additional elements, in combination with those of the independent claims from which each claim depends, provide additional reasons for patentability. Accordingly, the scope of the claims must be determined from the literal language of each as a whole, as well as all equivalents thereof.

Therefore, to the extent that the Examiner's reasons for allowance as stated are not relevant to, or wholly encompassing of, a particular claim, independent or dependent, Applicant assumes that (pursuant to 37 C.F.R. §1.104(e)) the Examiner has determined that the record of the prosecution as a whole of the application makes clear the reasons for allowing those claims. Further, it appears, pursuant to M.P.E.P. 1302.14, that the Examiner's Statements of Allowable Subject Matter are not intended to encompass all of the reasons for allowance.

Respectfully submitted,



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